

**BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 4**

**Wyman Gordon Tru-Form,
Employer,**

and

CASE NO. 4 -RC-126196

**United Steel Workers International,
Petitioner.**

**EMPLOYER'S EXCEPTIONS TO HEARING OFFICER'S REPORT
AND RECOMMENDATIONS ON OBJECTIONS TO ELECTION**

I. INTRODUCTION

Pursuant to Section 102.69 of the Board's Rules and Regulations, the Employer, Wyman Gordon Tru-Form, by and through the undersigned counsel, hereby files these exceptions to the Hearing Officer's Report and Recommendations on Objections to Election issued on August 6, 2014. The specific grounds for these exceptions and citations of authority are set forth in the Employer's supporting brief.

II. EXCEPTIONS

1. To the hearing officer's finding that the Employer "failed to show that either Schaffer or Nethercott's statements to Eppley in the conversation or the text messages created a general atmosphere of fear and reprisal rendering a free election impossible." (Report, p. 7).
2. To the hearing officer's failure to address "the closeness of the final vote" in assessing the statements and text messages from Schaffer and Nethercott. (Report, p. 8).
3. To the hearing officer's finding that comments made by union agents James Gladysz and Charles Meredith at the meeting at the Holiday Inn Express were not objectionable. (Report, p. 10).

4. To the hearing officer's finding that the "Employer's witnesses exaggerated the surrounding circumstances and degree to which they were intimidated in order to make the statements by Meredith and Gladysz appear more threatening." (Report, p. 11).

5. To the hearing officer's failure to credit "the testimony of the Employer witnesses regarding the degree to which they claimed to be intimidated by this conduct [at the Holiday Inn Express]." (Report, p. 12).

6. To the hearing officer's failure to address "the closeness of the final vote" in assessing the statements by Union representatives at the Holiday Inn Express meeting. (Report, p. 12).

7. To the hearing officer's finding that the comments on the bathroom wall "do not constitute objectionable conduct." (Report, p. 12).

8. To the hearing officer's finding that "Moore's statement at this meeting [at the Union Hall] was not objectionable." (Report, p. 14).

9. To the hearing officer's finding that "Mewhort exaggerated the extent to which he was intimidated by this statement." (Report, p. 14).

10. To the hearing officer's finding that "none of the conduct alleged in support of Objection 2 was objectionable." (Report, p. 15).

11. To the hearing officer's finding that "the Employer failed to meet its burden to establish that Pahler was an agent of the Union." (Report, p. 17).

12. To the hearing officer's finding that "statements by Pahler do not constitute objectionable conduct." (Report, p. 17).

13. To the hearing officer's finding that "taken together, I find that these allegations do not constitute a pattern of coercive conduct creating a general atmosphere of fear and reprisal that would render a fair election impossible." (Report, p. 18).

14. To the hearing officer's failure to recommend sustaining the objections, and ordering a re-run election. (Report, p. 18).

Date: August 20, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Rick Grimaldi, Esquire, hereby certify that on this 20th day of August 2014, a true and correct copy of the foregoing was served upon the following via Federal Express:

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